

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 17, 2017

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution.

Senate Bill (SB) 689, as Filed by Senator Kel Seliger-relating to the powers and election dates of the Hemphill County Underground Water Conservation District.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

The bill amends Chapter 157, Acts of the 74th Legislature, Regular Session, 1995, that created the Hemphill County UWCD with conforming changes to the water code made since that time. References to Chapters 50 and 52 have been changed to the current Chapter 36 Water Code as applying to district authority. The bill also changes the board of director election dates from the first Saturday in May to the uniform election date in May of each even-numbered year. The terms of the five directors elected 2 years after the confirmation election, two (2) having two-year terms and three (3) having four-year terms, as proscribed in the enabling legislation is repealed in the bill as filed. The prohibition against the exercise of eminent domain in the enabling legislation is retained by these amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Wilson", written over a horizontal line.

Kim Wilson, Director
Water Availability Division

cc: The Honorable Charles Perry, Chairman, Senate Committee of Agriculture, Water, and Rural Affairs
Senator Kel Seliger, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 689


Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/1/2017

Date transmitted to
Governor's Office


Secretary of the Senate

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

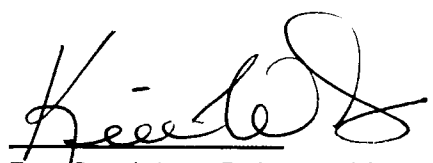
February 22, 2017

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable President of the Senate
The Honorable Speaker of the House of Representatives
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality

By: Seliger

S.B. No. 689

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the powers and election dates of the Hemphill County
3 Underground Water Conservation District.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1(a), Chapter 157, Acts of the 74th
6 Legislature, Regular Session, 1995, is amended to read as follows:

7 (a) An underground water conservation district, to be known
8 as the Hemphill County Underground Water Conservation District, is
9 created in Hemphill County~~[, subject to approval at a confirmation~~
10 ~~election under Section 8 of this Act. The district is a~~
11 ~~governmental agency and a body politic and corporate]~~.

12 SECTION 2. Section 5, Chapter 157, Acts of the 74th
13 Legislature, Regular Session, 1995, is amended to read as follows:

14 Sec. 5. POWERS. (a) The district has all of the rights,
15 powers, privileges, ~~[authority,~~ functions, and duties provided by
16 the general law of this state, including Chapter 36 ~~[Chapters 50 and~~
17 ~~52]~~, Water Code, applicable to groundwater ~~[underground water]~~
18 conservation districts created under Section 59, Article XVI, Texas
19 Constitution, except the district may not exercise the power of
20 eminent domain for any purpose. This Act prevails over any
21 provision of general law that is in conflict or inconsistent with
22 this Act.

23 (b) The rights, powers, privileges, ~~[authority,~~ functions,
24 and duties of the district are subject to the continuing right of

S.B. No. 689

1 supervision of the state to be exercised by and through the Texas
2 Commission on Environmental Quality [~~Natural Resource Conservation~~
3 ~~Commission~~].

4 SECTION 3. Section 6(e), Chapter 157, Acts of the 74th
5 Legislature, Regular Session, 1995, is amended to read as follows:

6 (e) Each director must qualify to serve as director in the
7 manner provided by Section 36.055 [~~Sections 51.078 and 51.079~~],
8 Water Code.

9 SECTION 4. Section 9, Chapter 157, Acts of the 74th
10 Legislature, Regular Session, 1995, is amended to read as follows:

11 Sec. 9. ELECTION OF DIRECTORS. [~~(a) On the first Saturday~~
12 ~~in May of the second year after the year in which the district is~~
13 ~~authorized to be created at a confirmation election, an election~~
14 ~~shall be held in the district for the election of two directors,~~
15 ~~each of whom shall serve a two-year term, and three directors, each~~
16 ~~of whom shall serve a four-year term.~~

17 [(b)] On the uniform election date [~~first Saturday~~] in May
18 of each even-numbered [~~subsequent second~~] year [~~following the~~
19 ~~election~~], the district shall hold an election to elect the
20 appropriate number of directors [~~shall be elected~~] to the board.

21 SECTION 5. Sections 6(b) and (c), 7, 8, and 10, Chapter
22 157, Acts of the 74th Legislature, Regular Session, 1995, are
23 repealed.

24 SECTION 6. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

S.B. No. 689

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

4 (b) The governor, one of the required recipients, has
5 submitted the notice and Act to the Texas Commission on
6 Environmental Quality.

7 (c) The Texas Commission on Environmental Quality has filed
8 its recommendations relating to this Act with the governor, the
9 lieutenant governor, and the speaker of the house of
10 representatives within the required time.

11 (d) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act are fulfilled
14 and accomplished.

15 SECTION 7. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.

Affidavit of Publication

**STATE OF TEXAS
COUNTY OF HEMPHILL**

Before me, the undersigned authority, on this day personally appeared **Laurie E. Brown**, the Publisher/Editor of the *Canadian Record*, a newspaper having general circulation in **Canadian, Hemphill County, Texas**, who being by me duly sworn, deposes and says that the foregoing attached notice was published in said newspaper on the following date(s) to wit:

November 24, 2016

Laurie E. Brown

Signature

Subscribed and sworn to before me this 30 day of November, 2016,
to certify which witness my hand and seal of office.



Mary L. Smith
Notary Public in and for the State of Texas



classified@canadianrecord.com

real estate

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notice of intent

This is to give notice of intent to introduce in the 85th Legislature Regular Session a bill to be entitled "An Act Relating to the applicability of Chapter 49 to the Hemphill County Underground Water Conservation District." The Hemphill County Underground Water Conservation District ("District") is an underground water conservation district created pursuant to Article XVI, Section 59, of the Texas Constitution, located within all of Hemphill County.

This bill will amend the provision in the District's organic act relating to the applicability of Chapter 49, Texas Water Code to the District. For more information, please contact Mrs. Janet Guthrie, General Manager, Hemphill County Underground Water Conservation District, at 806.323.9574.

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